

EXHIBIT 3-03

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1 UNITED STATES DISTRICT COURT
2 SOUTHERN DISTRICT OF NEW YORK
3 C.A. No. 11 Civ. 0691 (LAK)
4

5 - - - - - X

6 CHEVRON CORPORATION,
7 Plaintiff,

8 v.

9 STEVEN DONZIGER, et al.,
10 Defendants.

11 - - - - - X

12 VOLUME II
13

14 CONFIDENTIAL PURSUANT TO PROTECTIVE ORDER
15 VIDEO DEPOSITION OF MARY K. SULLIVAN
16 Friday, September 28, 2018, 1:20 p.m.
17 Cornerstone Research
18 699 Boylston Street
19 Boston, Massachusetts 02116
20
21
22

23 --- Reporter: Kimberly A. Smith, CRR, CRC, RDR ---
24 Realtime Systems Administrator
25

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1 A. I guess I'm a little confused because I
2 wasn't asking questions. Questions were being asked
3 of me.

4 Q. Well, you certainly never questioned my
5 integrity prior to the time that Chevron subpoenaed
6 you in March of this year, correct?

7 A. I did without sharing it to you
8 specifically. I was questioning that there was a
9 lot of contracts that hadn't been finalized. And I
10 was confused by that.

11 So I would put that into a category of
12 not following through on promises. And then I
13 learned through the nature of this work that there
14 is not a lot of transparency, probably for really
15 good reasons, and then for reasons that people are
16 just conditioned to not have. And that was very
17 hard for me to work in. It was becoming hard for me
18 to work in.

19 Q. You understand that I told you that Chevron
20 had paid people to follow me around Manhattan at one
21 point, correct?

22 MS. CHAMPION: Objection. Outside the
23 scope. Where are you going with this? Are you
24 testifying or is she?

25 MR. DONZIGER: Anne, chill, babe.

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C E R T I F I C A T E

I, Kimberly A. Smith, a Certified Realtime Reporter, Certified Realtime Captioner, Registered Diplomate Reporter, Realtime Systems Administrator, and Notary Public in and for the Commonwealth of Massachusetts, do hereby certify that the foregoing deposition of MARY K. SULLIVAN, who was first duly sworn, taken at the place and on the date previously set forth, was stenographically reported by me and later reduced to print through computer-aided transcription, and the foregoing is a full and true record of the testimony given by the deponent.

Before completion of the deposition, review of the transcript was not requested. Any changes made by the deponent (and provided to the reporter) during the period allowed are appended hereto.

I further certify that I am a disinterested person in the outcome of this cause of action.

THE FOREGOING CERTIFICATION OF THIS TRANSCRIPT DOES NOT APPLY TO ANY REPRODUCTION OF THE SAME BY ANY MEANS UNLESS UNDER THE DIRECT CONTROL AND/OR DIRECTION OF THE CERTIFYING COURT REPORTER.

Signed this 1st day of October, 2018.



KIMBERLY A. SMITH, CRR, CRC, RDR

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 11 Civ. 0691 (LAK)

-----x

4 CHEVRON CORPORATION,
5 Plaintiff,
6 - against -
7 STEVEN DONZIGER, et al.,
8 Defendants.

9 -----x

10 November 5, 2018
11 10:22 a.m.

12
13 DEPOSITION of CLIFF EISLER, held at
14 the offices of Gibson, Dunn & Crutcher LLP,
15 located at 200 Park Avenue, New York, New
16 York 10166, before Anthony Giarro, a
17 Registered Professional Reporter and a
18 Notary Public of the State of New York.

1 CLIFF EISLER

2 judgment against me. This is
3 badgering and harassing a witness.
4 Please move on. I have questions I
5 need to ask myself.

6 MS. CHAMPION: I'm going to
7 introduce a document marked as
8 PX5600.

9 Q So Mr. Donziger never
10 disclosed to you that he had -- he had a
11 co-counsel on the Ecuador case in the
12 United States, Joseph Kohn, who funded
13 the case for a number of years? He never
14 disclosed that to you?

15 A I don't recall. Maybe he
16 did very early on. But I don't remember.

17 Q And did he disclose to you
18 that Mr. Kohn withdrew from representing
19 the Ecuadorian plaintiffs and working
20 with Mr. Donziger after the evidence of
21 fraud started emerging in U.S.
22 proceedings?

23 MR. DONZIGER: Excuse me.

24 Excuse me. Objection.

25 MR. FERGUSON: Objection to

1 CLIFF EISLER

2 form.

3 MR. DONZIGER: It's totally
4 irrelevant. This all took place
5 before the RICO trial even happened
6 and the RICO judgment was issued. I
7 mean this is just an attempt to
8 harass the witness. Anne, move on.
9 I mean this is ridiculous.

10 Q I'd like to refer you to
11 paragraph 9 which is on page 3.

12 MR. DONZIGER: Objection.
13 And by the way, if you want this
14 witness to testify about Joe Kohn's
15 testimony, let him read the entire
16 testimony. Let's take an hour break
17 and let him read it. Total waste of
18 time.

19 MS. CHAMPION: I'm happy to
20 give him an extra copy if he wants to
21 take it home.

22 MR. DONZIGER: Actually,
23 that wasn't my objection. That's
24 really cute, take it home.

25 MS. CHAMPION: That copy has

1 CLIFF EISLER

2 to stay with the court reporter,
3 though.

4 Q So you'll see in that
5 paragraph 9, it says, "From May 2003
6 until November 2009, KSG -- that's Kohn
7 Swift Graf, Mr. Kohn's firm -- was the
8 primary funder of the litigation and
9 related U.S. public relations and other
10 activities." Do you see that?

11 A Yes.

12 Q "During those nearly seven
13 years, the firm paid over \$6 million in
14 expenses." Do you see that?

15 A Yes.

16 Q "This included the
17 1.1 million that we provided to
18 Mr. Donziger for legal services and
19 expenses." Do you see that?

20 A Yes.

21 Q When you invested in the
22 Ecuador litigation, did you ever ask to
23 see a list of everyone who had an equity
24 interest?

25 A No.

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, CLIFF EISLER, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



ANTHONY GIARRO

1 UNITED STATES DISTRICT COURT
2 FOR THE SOUTHERN DISTRICT OF NEW YORK
3 CASE NO. 11 Civ. 0691 (LAK)

4 CHEVRON CORP.,
5 Plaintiff,
6 -vs-
7 STEVEN DONZIGER, et al.,
8 Defendants.

/

9
10 * * * * *

11 VIDEOTAPED

12 DEPOSITION OF: P. CAMPBELL FORD

13 DATE TAKEN: MONDAY, FEBRUARY 11, 2019

14 TIME: 9:10 A.M. - 12:13 P.M.

15 PLACE: 1835 NORTH THIRD STREET
16 JACKSONVILLE, FLORIDA

17 REPORTED BY: CARMEN THOMAS, REGISTERED
18 PROFESSIONAL REPORTER AND
19 NOTARY PUBLIC

20 * * * * *

1 And so this draft agreement proposes that the
2 -- that the FDA would assign you a percentage interest
3 in the proceeds of the Ecuadorian judgment, correct?

4 A I don't know.

5 Q Do you want to just read -- I think if you
6 read the third paragraph there, the second "whereas"
7 clause and then -- just take a minute to review the
8 agreement, it's pretty short.

9 MR. DONZIGER: Objection. I mean, there's no
10 testimony he ever looked at the agreement during
11 the relevant time frame.

12 MS. CHAMPION: Mr. Donziger, this exhibit is
13 attached to a cover letter where -- that clearly
14 refle -- reflects that he did review it, so.

15 THE WITNESS: I don't read that one that way
16 that you did. So what's your question?

17 BY MS. CHAMPION:

18 Q Well, how do you read it? You tell me how
19 you understood it. You were the one that was discussing
20 it with him. So I'm more interested in your views than
21 mine.

22 MR. DONZIGER: Well, I mean, first of all
23 objection --

24 THE WITNESS: I don't have a view.

25 BY MS. CHAMPION:

1 Q Okay.

2 MR. DONZIGER: -- lack of foundation.

3 Why don't you ask him what his understanding
4 was at the time he read it or if he even has one
5 that he remembers.

6 MS. CHAMPION: That's exactly what I asked
7 him, Mr. Donziger.

8 THE WITNESS: You said that --

9 MR. DONZIGER: No, you didn't. You said what
10 was your understanding. Ask him if he even has a
11 recollection of what it might have been.

12 There's no evidence he even read it at the
13 time.

14 MS. CHAMPION: Mr. Donziger, I need to ask
15 you to please refrain from making speaking
16 objections. If you have an objection to a
17 question, state it shortly and succinctly for the
18 record. Please stop making speeches and speaking
19 objections.

20 THE WITNESS: My --

21 MR. DONZIGER: I'll stop making speaking
22 objections when you stop harassing witnesses from
23 trying to help the people of Ecuador. Okay?

24 We have a fundamental disagreement about the
25 purpose of these depositions. I've been enormously

1 tolerant of this. Okay? You've harassed everyone
2 who's tried to help me and my clients in Ecuador,
3 20 people. You flew all the way to Jacksonville,
4 Florida, for this ridiculousness when he would have
5 given you the information on the phone anyway.
6 You're wasting my time, his time. Even though I
7 know you and your colleague from Miami are making
8 huge sums of money billing for this charade.

9 Just get to the questions and let's finish
10 this thing, please.

11 THE WITNESS: I don't read the second
12 "whereas" clause like you did. It doesn't say what
13 you said it said in terms of that assignment in the
14 second "whereas" clause.

15 BY MS. CHAMPION:

16 Q I understand. I -- I agree with you that it
17 doesn't say all of that in that whereas clause. But
18 let's just talk about that whereas clause.

19 "Whereas the FDA is the exclusive beneficiary
20 of Fideicomiso Mercantil de Administracion de Flujos
21 ADAT, the Ecuador trust."

22 Do you see that?

23 A Yes.

24 Q "Which was created on instructions from the
25 Ecuadorian courts to receive, hold and disburse all

1 judgment.

2 Do you see that?

3 A Yes.

4 Q And it goes on to quote the RICO judgment on
5 page two. "It imposed a constructive trust for the
6 benefit of Chevron on all property whether personal" --

7 A Let's please not read all this. This is
8 exactly what Steven said you were going to do, which is
9 a waste of my time.

10 What is your question to me?

11 Q Did you read this at the time?

12 A I would have honestly glanced over it. My
13 concern would have been --

14 MR. DONZIGER: Objection. Objection to this
15 crap. Okay? I've had it. I've had it. This is
16 so misleading.

17 Why don't you read from the April 25th
18 clarification order that specifically authorizes me
19 and anyone else in the case to raise money and be
20 paid from the money raised.

21 I mean, you're just -- it's just terrible.
22 You're -- you're so unethical the way you ask
23 questions.

24 And it doesn't even matter. There was never
25 an agreement between Mr. Ford and myself. That's

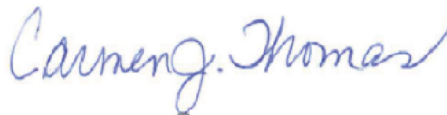
CERTIFICATE OF REPORTER

STATE OF FLORIDA)
COUNTY OF BROWARD)

I, Carmen J. Thomas, Registered Professional Reporter, and Notary Public, do hereby certify that I was authorized to and did stenographically report the foregoing deposition of P. CAMPBELL FORD; that a review of the transcript was requested; and that the foregoing transcript, pages 1 through 172 is a true record of my stenographic notes.

I FURTHER CERTIFY that I am not a relative, employee, or attorney, or counsel of any of the parties' attorneys or counsel connected with the action, nor am I financially interested in the action.

DATED this 14th day of February, 2019 at Fort Lauderdale, Broward County, Florida.



Carmen J. Thomas
Registered Professional Reporter

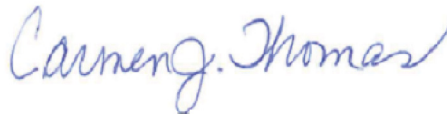
CERTIFICATE OF OATH

STATE OF FLORIDA

COUNTY OF BROWARD

I, Carmen J. Thomas, Registered Professional Reporter, Notary Public, State of Florida, certify that witness, P. CAMPBELL FORD, personally appeared before me on the 11th day of February, 2019 and was duly sworn.

WITNESS my hand and official seal this 14th day of February, 2019.



Carmen J. Thomas,
Registered Professional Reporter
Notary Public, State of Florida
MY COMMISSION #GG 125902
EXPIRES November 16, 2021

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 11 Civ. 0691 (LAK)

-----x

4 CHEVRON CORPORATION,
5 Plaintiff,
6 - against -
7 STEVEN DONZIGER, et al.,
8 Defendants.

9 -----x

10 December 18, 2018
11 9:07 a.m.

12
13 DEPOSITION of GLENN KREVLIN, held at
14 the offices of Gibson, Dunn & Crutcher LLP,
15 located at 200 Park Avenue, New York, New
16 York 10166, before Anthony Giarro, a
17 Registered Professional Reporter and a
18 Notary Public of the State of New York.
19
20
21
22
23
24
25

1 GLENN KREVLIN

2 what did you write?

3 A "Interest in Chevron."

4 MR. DONZIGER: Hold on. I'm
5 going to object to this whole line of
6 questioning on these grounds. This
7 has nothing to do with whether I
8 violated the RICO judgment. You're
9 just trying to find out stuff that
10 our Canadian counsel was thinking or
11 told people which you already have
12 this information anyway. But there's
13 no reason to keep the witness here a
14 minute longer than you need to by
15 asking stuff that has nothing to do
16 with the scope of the subpoena and
17 what Judge Kaplan authorized you to
18 do. I mean can you advance a theory
19 as to what this line of questioning
20 has to do with whether I violated the
21 RICO judgment?

22 MS. NEUMAN: I'm not going
23 to debate issues with you in front of
24 the witness, Mr. Donziger.

25 Q What did you write next to

1 GLENN KREVLIN

2 Amazonia." Do you see that?

3 A Yes.

4 Q Do you have any knowledge
5 about that transfer?

6 A No.

7 MR. DONZIGER: Objection.
8 Relevance.

9 Q At paragraph 5,
10 Exhibit 5302, it states, "Donziger and
11 the representatives and each of them is
12 further enjoined and restrained from
13 taking any acts to monetize or profit
14 from the judgment as modified or any new
15 judgment including without limitation --

16 MR. DONZIGER: Objection.

17 MS. NEUMAN: Mr. Donziger,
18 stop interrupting me.

19 MR. DONZIGER: You're not
20 the witness. You can't just testify
21 by reading court documents. You're
22 not the witness. He's the witness.
23 Ask him a question if he knows
24 something. You are not the witness.
25 This is a complete waste of time.

1 GLENN KREVLIN

2 And I know what you're trying to do.
3 You're trying to basically read
4 Kaplan's order and convince him about
5 something that's not true. Show him
6 the April 25th clarification order.

7 MS. NEUMAN: First of all,
8 stop raising your voice.

9 MR. DONZIGER: Show him the
10 April 25th clarification order.
11 Don't tell me not to raise my voice.

12 MS. NEUMAN: And stop making
13 speaking objections. In a
14 professional setting, Mr. Donziger,
15 raising your voice is inappropriate.

16 MR. DONZIGER: A
17 professional setting requires a
18 lawyer to ask relevant questions.
19 You're not doing that. So I don't
20 need lectures on your
21 professionalism. Ask a relevant
22 question. Don't waste all day where
23 he's racking up his legal fees while
24 you ask irrelevant questions. And
25 read Judge Kaplan's order. Is that

1 GLENN KREVLIN

2 what you're here to do? Give him the
3 order. He can take it home and read
4 it on his own time.

5 Q Mr. Krevlin, looking at
6 paragraph 5, do you see where it states
7 that Mr. Donziger and the lab
8 representatives are enjoined from taking
9 any acts to monetize or profit from the
10 judgment?

11 MR. HORGAN: Objection. The
12 document speaks for itself. If
13 you're asking him whether you read
14 that correctly, the witness can
15 answer.

16 MR. DONZIGER: I'll join in
17 the objection.

18 A Do you want me to answer?

19 MR. HORGAN: The document
20 speaks for itself. The examining
21 attorney has read a portion of it.
22 To the extent the question is, has
23 she read that portion correctly, you
24 can answer.

25 A I have read it. And you've

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, GLENN KREVLIN, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



ANTHONY GIARRO

1
2 UNITED STATES DISTRICT COURT
3 SOUTHERN DISTRICT OF NEW YORK
4 Case No. 11 Civ. 0691 (LAK)

-----x

4 CHEVRON CORPORATION,
5 Plaintiff,
6 - against -
7 STEVEN DONZIGER, et al.,
8 Defendants.

9 -----x

10 October 31, 2018
11 9:13 a.m.

12
13 DEPOSITION of JOHN VAN MERKENSTEIJN,
14 held at the offices of Gibson, Dunn &
15 Crutcher LLP, located at 200 Park Avenue,
16 New York, New York 10166, before Anthony
17 Giarro, a Registered Professional Reporter
18 and a Notary Public of the State of New
19 York.

1 JOHN VAN MERKENSTEIJN

2 me?

3 A No. I mean, it's not an
4 issue that I focused on or I can remember
5 focusing on.

6 Q Do you know whether, if at
7 all, anyone communicates with the
8 48-named plaintiffs?

9 A I don't know that.

10 Q Have you ever been involved
11 in any discussions to make a specific
12 settlement demand on Chevron?

13 A A specific settlement
14 demand, no. There were discussions about
15 at some point, most likely, this case
16 would end up settling.

17 Q But no discussion about we
18 should call Chevron and offer to settle
19 for X amount?

20 A There was a discussion about
21 how do you get to move the settlement
22 possibility forward. I don't remember
23 anything about a specific number.

24 MS. NEUMAN: I don't think I
25 have any further questions at this

1 JOHN VAN MERKENSTEIJN

2 time.

3 THE WITNESS: Okay.

4 MR. DONZIGER: I'm stunned.

5 You're done with your questions. I

6 have some questions. Can we take a

7 five-minute break so I can get

8 organized?

9 THE WITNESS: Yes. I'll

10 take a walk.

11 THE VIDEOGRAPHER: Going off

12 the record. The time is 3:39 p.m.

13 (A short recess was taken.)

14 THE VIDEOGRAPHER: We are

15 back on the record. The time is

16 3:54 p.m.

17 MS. NEUMAN: I actually

18 realized I had a couple of questions.

19 So I let Mr. Donziger know that while

20 you were gone.

21 I'm going to show the

22 witness a document that we've marked

23 as Plaintiff's Exhibit 5421.

24 (The above-referred-to

25 document was marked as Plaintiff's

C E R T I F I C A T I O N

I, ANTHONY GIARRO, a Shorthand Reporter and a Notary Public, do hereby certify that the foregoing witness, JOHN VAN MERKENSTEIJN, was duly sworn on the date indicated, and that the foregoing, to the best of my ability, is a true and accurate transcription of my stenographic notes.

I further certify that I am not employed by nor related to any party to this action.



ANTHONY GIARRO